

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0706/1dn
ARG:jld:cph.

June 19, 2003

As discussed, I have inserted amounts into the suggested nonstatutory provision. I calculated these amounts based upon the difference between the ch. 20 schedule entries in SB-44 and SSA 1 to SB-44 for s. 20.395 (2) (jx) and (4) (ax). The drafting instructions directed that moneys be expended or transferred from these appropriations. I have attempted accomplish the goal of the instructions but deviated slightly from the suggested language. I have prepared the draft to require the transfer of funds only from s. 20.395 (4) (ax) for two reasons. First, the ch. 20 schedule for SSA 1 to SB-44 for s. 20.395 (2) (jx) indicates no funding for this appropriation. While the “-0-” in the schedule is only an estimate, I don't believe there is a good reason to include the transfer of funds from such an appropriation. Second, the statutory transfer structure already partially exists for s. 20.395 (4) (ax) and the estimate in that appropriation indicates sufficient funds for the transfer. Also, the language is drafted as a straight transfer, rather than an expenditure for the purpose transferring funds. I believe that an expenditure of funds for the purpose of a transfer would simply be considered a transfer, and I think a statutory change to s. 20.395 (4) (ax) is necessary carry out the transfer since s. 20.505 (1) (z) is an appropriation of the department of administration, not the department of transportation. Finally, since it is unclear whether the federal funds at issue are “earmarked” and have “strings attached” with regard to their use, I included language that the transfer not occur if the transfer would result in the loss or reduction of federal funds; that is, if the transfer would violate the terms of use required as a condition of receipt of the aid.

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